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6 Attorneys for Defendants K-M Industries
 7 Holding Co. Inc.; K-M Industries Holding Co.
 Inc. ESOP Plan Committee; and CIG ESOP
 8 Plan Committee

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **SAN FRANCISCO DIVISION**

12 THOMAS FERNANDEZ and LORA)
 SMITH, individually and on behalf of a)
 13 class of all others similarly situated,)

14 Plaintiffs,)

15 v.)

16 K-M INDUSTRIES HOLDING CO., INC.;)
 K-M INDUSTRIES HOLDING CO. INC.)
 17 ESOP PLAN COMMITTEE; WILLIAM E.)
 AND DESIREE B. MOORE REVOCABLE)
 18 TRUST; ADMINISTRATOR OF THE)
 ESTATE OF WILLIAM E. MOORE,)
 19 DECEASED; CIG ESOP PLAN)
 COMMITTEE; NORTH STAR TRUST)
 20 COMPANY; DESIREE B. MOORE)
 REVOCABLE TRUST; WILLIAM E.)
 21 MOORE MARITAL TRUST; WILLIAM)
 E. MOORE GENERATION-SKIPPING)
 22 TRUST; and DESIREE B. MOORE, BOTH)
 23 IN HER INDIVIDUAL CAPACITY AND)
 AS TRUSTEE OF THE WILLIAM E. AND)
 24 DESIREE B. MOORE REVOCABLE)
 TRUST'S SUCCESSOR TRUSTS NAMED)
 25 ABOVE,)
 26

Defendants.)

Case No. C06-07339 MJJ

**SUPPLEMENTAL CASE
 MANAGEMENT STATEMENT
 OF DEFENDANTS K-M
 INDUSTRIES HOLDING CO.,
 INC., K-M INDUSTRIES
 HOLDING CO. INC. ESOP PLAN
 COMMITTEE AND CIG ESOP
 PLAN COMMITTEE;
 REQUEST FOR EXTENSION OF
 DISCOVERY DEADLINE**

1 This Supplemental Case Management Conference Statement is filed by defendants K-M
2 Industries Holding Co., Inc., K-M Industries Holding Co. Inc. ESOP Plan Committee and CIG
3 ESOP Plan Committee ("Corporate Defendants") in response to Plaintiffs' Case Management
4 Statement filed October 30, 2006.

5 The Corporate Defendants understood that in stating in its Order Modifying Pretrial Order,
6 filed August 30, 2007, that "Any party seeking a change to the case schedule will file a case
7 management statement of no more than two pages one week prior to the telephonic conference," the
8 Court intended that any party seeking a change to the case schedule should file a proposal with the
9 Court, which would be discussed in the telephonic conference scheduled by the Court, and that this
10 Order superseded the rule requiring a Joint Statement. For this reason, Counsel for Corporate
11 Defendants did not confer with Counsel for Plaintiffs before filing its Case Management Statement.

12 The two weeks delay proposed by the Plaintiffs would not provide sufficient time for
13 completion of the review and production of the ESI at issue. Given the fact that the number of
14 documents selected by the agreed-upon search terms greatly exceeded what was expected, meeting
15 the previous deadline of November 7 was simply not possible. The Corporate Defendants therefore
16 respectfully request that the Court grant the requested one month extension of time so that a realistic
17 deadline can be set for production of these electronic documents.

18 Counsel for the Corporate Defendants have spoken to Plaintiffs' Counsel telephonically and
19 have been informed that Plaintiffs' Counsel has no objection to a one month's extension of the
20 deadline for the Corporate Defendants to produce the remaining ESI as long as the rest of the
21 deadlines in the Pretrial Order are also extended by the same one month period.

22 The Corporate Defendants have no objection to the granting of Plaintiffs' request to extend
23 the rest of the dates in the Pretrial Order for a one month period so that the Plaintiffs' time to review
24 these documents is not shortened by the necessity of extending the production deadline to provide a
25 realistic time frame for the Corporate Defendants to review and produce the responsive ESI.

26 //

1 Dated: November 1, 2007

Respectfully submitted,

2 LOVITT & HANNAN, INC.

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4 By: _____/s/_____

5 Henry I. Bornstein

6 Attorneys for Defendants K-M Industries Holding
7 Co., Inc.; K-M Industries Holding Co., Inc. ESOP
8 Plan Committee; and CIG ESOP Plan Committee
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